

## UNITED STATES DISTRICT COURT

for the  
Western District of TexasFiled 4-20-11Clerk, U. S. District Court  
Western District of TexasBy De

Deputy

United States of America )

v. )

Yadira Mauricio YBARRA H/F/DOB: 08/\*\*/74 )

and )

Willy MENDOZA H/M/DOB: 01/\*\*/89 )

Defendant

Case No. SA-11-340M

## CRIMINAL COMPLAINT

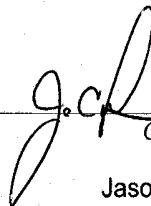
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/19/2011 in the county of Bexar in the Western District ofTexas, the defendant violated18U. S. C. § 18 USC 922(o)

, an offense described as follows:

This criminal complaint is based on these facts:

did unlawfully and illegally possess a machine gun, a Bushmaster, Model XM15-E2S, 5.56 caliber machine gun bearing serial number BFI424708, which is an ATF certified machine gun.

☒ Continued on the attached sheet.

Complainant's signature

Jason Walsh, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/20/2011

Judge's signature

City and state:

San Antonio, Texas

Pamela Mathy

Printed name and title

**CRIMINAL COMPLAINT...(Continued POLLO)**

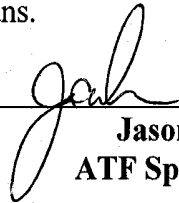
**Based on the following facts....**

**P. 2,**

1. Your Affiant is an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so for approximately three years. Your affiant knows that it is a violation of federal law for persons to possess an unregistered machine gun in violation of Title 18, USC, Section 922(o).
2. On or about March 28, 2011, your Affiant received information from the Drug Enforcement Administration (DEA) San Antonio District Office (SADO) regarding "POLLO" LNU who was requesting someone in the United States to purchase firearms for him.
3. Your Affiant was provided further details from DEA SADO that "POLLO" lives in Piedras Negras, Mexico and provided a Mexico telephone number.
4. On March 29, 2011, your Affiant and ATF S/A Chris Benavides met with ATF Confidential Informant (CI) 782060-1857 who placed a consensual undercover recorded phone call to "POLLO" LNU. The conversation was in Spanish. According to the translated summary of the conversation between CI 782060-1857 and "POLLO", "POLLO" stated he wanted to purchase semi-automatic and fully-automatic AR-15 and AK-47 type rifles. "POLLO" advised he would have some people contact the CI regarding the purchase of the firearms.
5. From April 1<sup>st</sup> until the present date, ATF CI 782060-1857 has been in both telephonic and electronic communications with "POLLO" and another individual identified as a co-conspirator named, "MEKE". During those texts and verbal conversations, "POLLO" expressed his interest in the immediate purchase of firearms (to wit: assault rifles).
6. During those recorded calls and texts, a price of approximately \$15,000 was negotiated for the purchase of ten assault rifles, six being semi-automatic and four being fully-automatic, from the ATF CI.
7. On April 19, 2011, the CI was instructed by both "MEKE" and "POLLO" to call an unknown female at (210) 800-7139. The female stated she would meet with the CI and that two other individuals would be with her. The female stated she would have money to purchase firearms from the ATF CI and would be arriving in a white Chevrolet Malibu vehicle to meet with the CI and purchase and transport the firearms.

8. On April 19, 2011, at approximately 3pm, a white Chevrolet Malibu arrived at the Sears parking lot in San Antonio, Texas. The female driving the white Malibu, later identified as Yadira YBARRA (W/F/DOB: 8/\*\*/1974), got out of the vehicle and began talking about the purchase of the firearms. The CI explained to YBARRA that the firearms he was selling her were both full automatic ("rafagas", meaning a lot of bursts at once when referring to the way firearms function) and semi automatic firearms and that the fully automatic firearms were illegal because they were not registered. According to the CI, during this conversation, a male who was sitting in the front passenger seat of the white Chevy Malibu, later identified as Willy MENDOZA (W/M/DOB 1/\*\*/1989), acknowledged that they did not need to worry about the firearms being registered because the guns were going across.
9. The CI then told YBARRA that he needed to see the money before he would transfer the firearms. YBARRA told the female sitting in the backseat of the white Chevrolet Malibu, later identified as Vanessa VASQUEZ (DOB: W/F/DOB 8/\*\*/1988) to show the CI the money. VASQUEZ opened a purse and showed the CI the money from the backseat.
10. The CI then called the ATF undercover agents who arrived in a vehicle with two bags that contained a total of ten firearms that were a combination of fully automatic and semi automatic firearms. The ATF undercover agents pulled up and the firearms were displayed in the backseat of the undercover vehicle for YBARRA.
11. The ATF undercover agents opened one of the bags of firearms and showed YBARRA the firearms. YBARRA told the CI and the undercover agent those were the type of firearms that they wanted.
12. YBARRA then instructed MENDOZA to get out of the vehicle and help load the firearms into the trunk of the white Malibu. Surveillance showed that YBARRA was seen assisting in this transaction by opening up the trunk of the vehicle. MENDOZA grabbed one of the bags containing the firearms and placed them in the trunk of the white Malibu. Located inside this bag was a Bushmaster, Model XM15-E2S, 5.56 caliber machine gun bearing serial number BFI424708 and several other fully automatic and semi automatic firearms. This along with additional firearms in the bags are certified ATF prop machineguns that have been certified by ATF's Firearm Technology Branch to have been tested to function in a fully automatic capacity.
13. At this approximate time, ATF and San Antonio Police units arrived on scene and arrested YBARRA, MENDOZA, and VASQUEZ. MENDOZA subsequently admitted to ATF in a written statement that he knew the guns were going to be taken to Mexico and that he was going to get approximately \$800.00 for his assistance.

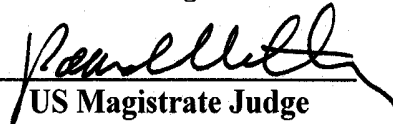
14. Based on the above information, your Affiant believes that YBARRA and MENDOZA violated Title 18, USC Section 922(o) by being in possession of fully automatic machineguns.



Jason Walsh  
ATF Special Agent

4/20/2011

Date of Signature



US Magistrate Judge